



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Regulation Adopting and Amending Certain Editions of the National Fire Codes Regarding Building Construction and Protective Features	Number 7-06AM
Originating Department Montgomery County Fire and Rescue Service		Effective Date November 28, 2006

Montgomery County Regulation on:

FIRE SAFETY CODE - BUILDING CONSTRUCTION
Montgomery County Fire and Rescue Service

Issued By: County Executive
Regulation No:

Authority: Code Section 22-13

Supersedes: Executive Regulation 22-98AM

Council Review: Method 2 under Code Section 2A-15

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Sunset Date: None

SUMMARY: This regulation adopts the 2003 edition of the National Fire Protection Association's Uniform Fire Code (NFPA 1) and Life Safety Code (NFPA 101), all associated NFPA codes or standards incorporated by reference, and the latest editions of certain other NFPA codes not incorporated by reference into NFPA 1 or NFPA 101 that appear in the Montgomery County Fire Safety Code. This regulation conforms to the Maryland State Fire Prevention Code (MSFPC) and reduces the burden on business owners, developers, and design professionals of working from multiple code editions.

Unless otherwise enumerated below, changes to this regulation reflect reorganization changes made by the National Fire Protection Association to the model codes previously adopted under to Section 22-13 of the Montgomery County Fire Safety Code. In all cases below, the Fire Chief has determined that an inimical hazard exists requiring regulations that exceed the minimum requirements of the MSFPC (see *Public Safety Article Section 6-206 establishing the State Fire Prevention Code as minimum requirements and authorizing local jurisdictions to adopt more stringent requirements*). Whenever reference is made to NFPA 101, unless otherwise stated, the proposed regulation may be applied retroactively, either prescriptively or through performance, to ensure life safety.



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Sec. 4 establishes and implements more stringent requirements than the MSFPC related to the installation of fire department access boxes on all structures except one and two-family dwellings; Sec. 5 amends out the requirement in the Life Safety Code (NFPA 101) for the retrofit of existing high-rise buildings with sprinkler systems in conformance with the MSFPC and establishes conditions for the development of a specific high-rise regulation providing for protection of existing high-rise buildings with engineered life safety systems; Sec. 9 amends out all references to NFPA 5000 in conformance with the MSFPC and substitutes the Montgomery County Building Code in accordance with Montgomery County law; Sec. 11 through Sec. 14 add definitions to Montgomery County Code to be consistent with the MSFPC; Sec. 15 through Sec. 17 establish and implement exiting and capacity requirements that are more stringent than those in NFPA 101 as adopted in the MSFPC; Sec. 24 establishes and implements new requirements for radio system coverage for new construction not addressed by the MSFPC; Sec. 25 provides the Montgomery County Fire and Rescue Service with new authority to order and provide a fire watch under certain conditions and assess the building owner or operator for costs; Sec. 26, Sec. 33 establish and implement new requirements for fire alarm systems more stringent than those in NFPA 101 as adopted by the MSFPC; Sec. 29 establishes and implements new requirements for carbon monoxide detectors in new construction not addressed by NFPA 101 as adopted by the MSFPC; Sec. 39 establishes and implements non-water based extinguishing system requirements more stringent than those in NFPA 101 as adopted by the MSPFC; Sec. 43, Sec. 44, Sec. 46, and Sec. 47 establish and implement sprinkler requirements for certain assembly occupancies more stringent than those in NFPA 101 as adopted by the MSPFC; Sec. 55 establishes and implements client limits for family day-care more stringent than those in NFPA 101 as adopted by the MSFPC; Sec. 68 through Sec. 73 establish and implement miscellaneous requirements for residential occupancies more stringent than those in NFPA 101 as adopted by the MSFPC; and Sec. 83 establishes and implements more stringent egress requirements than those in NFPA 101 as adopted by the MSFPC.

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Sec. 1 In accordance with the procedures authorized in Chapter 22, "Fire Safety Code," of the Montgomery County Code, 1996, this Executive Regulation applies to the safeguarding of life, property, and the public welfare from the hazards of fire and explosion arising from the improper storage, handling, or use of substances, materials, or devices and from conditions hazardous to life, property, and the public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises.

In this regulation the term "Fire Chief" means the Fire Chief of the Montgomery County Fire and Rescue Service and includes the Fire Chief's designees.

Sec. 2 Unless otherwise noted, all references to the National Fire Codes and Standards adopted in these regulations are to those codes, standards, recommended practices and manuals in the National Fire Codes, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. The references to these National Fire Codes and Standards are set forth in Section 22-14 of the Montgomery County Code, 1996.

Sec. 3 Standards Adopted.

- a. The following standards published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, are incorporated in these regulations except as expressly amended. The dates or editions of the individual codes and standards are as listed in this section.

<u>NFPA No.</u>	<u>CODE OR STANDARD</u>
1	Uniform Fire Code 2003
42	Code for the Storage of Pyroxylin Plastic (2002)
50A	Standard for Gaseous Hydrogen Systems at Consumer Sites (1999)
92A	Recommended Practice for Smoke Control Systems (2000)
92B	Guide for Smoke Management Systems in Malls, Atria, and Large Areas (2002)
101	Code for Safety to Life from Fire in Buildings and Structures (2003)



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- 105 Recommended Practice for the Installation of Smoke-Control Door Assemblies (2003)
- 130 Standard for Fixed Guideway Transit Systems (2000)
- 170 Standard for Fire Safety Symbols (2002)
- 214 Water Cooling Towers (2000)
- 720 Recommended Practices for the Installation of Household Carbon Monoxide (CO) Warning Equipment (1998)
- 850 Electric Generating Plants (2000)

- b. The Fire Chief must review this regulation and propose amendments within six months after the date the State Fire Prevention Commission adopts new amendments to NFPA 1 and NFPA 101 into the State Fire Prevention Code.

Sec. 4 NFPA No. 1, Section 10.12.1, add new subsection 10.12.1.1 as follows:

10.12.1.1 All occupancies other than 1 and 2 family dwellings shall provide an approved access box.

Exception 1: The requirement for an access box shall not apply when the occupancy provides 24-hour on-site staffing with access to all areas in the building or complex. At least one person must staff a fixed location proximate to the main building or complex entrance to provide ready access for the fire department.

Exception 2: For multiple occupancies located within a single structure, a single access box shall be permitted with approval of the Fire Chief.

Exception 3: For multiple structures within a residential building complex, a single access box shall be permitted with approval of the Fire Chief.

Exception 4: The size, contents, and location of the access box shall be determined by the Fire Chief in cooperation with the occupancy owner or management.

Sec. 5 NFPA 1, Section 13.3.2.22, add new subsection 13.3.2.22.2 and renumber the existing subsection as 13.3.2.22.3. New subsection 13.3.2.22.2 reads:



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13.3.2.22.2 The requirement of 13.3.2.22.3, that existing high-rise buildings shall be protected throughout by an approved automatic sprinkler system, shall not apply until a separate specific high-rise regulation takes effect that requires protection of existing buildings through an approved, supervised, engineered life-safety system as defined by NFPA 101 Section 31.3.5.10.3 (2003 edition) and includes timetables and conditions for compliance and incentives.

Sec. 6 NFPA No. 30A, as referenced by NFPA 1, in subsections 7.3.6.1 and 7.3.6.3, add the following Exception:

Exception: In buildings protected throughout with "approved" automatic sprinkler protection, separation must consist of such assemblies having a fire resistance rating of not less than one (1) hour with all openings therein provided with approved minimum twenty (20) minute fire resistance rated opening protectives.

Sec. 7 NFPA No. 80, as referenced by NFPA 1, subsection 1-10.1, add the following: Release of fire doors and shutters shall not be by fusible link and shall be accomplished by one or more of the following:

- (a) Approved local smoke detection at the doors,
- (b) Approved area smoke detection per NFPA 72, or
- (c) Full automatic sprinkler protection per NFPA 13 with water flow interlock.

Sec. 8 NFPA No. 96, as referenced by NFPA 1, subsection 1.1.1, add an Exception to read:

Exception: In day care and business occupancies doing food warming only, Home Economics classrooms in schools, and lodging or rooming houses or small board and care in existing structures originally built for single family residential use, protection shall consist of one of the following:

- (1) A listed and approved recirculating residential ventilation hood with range top extinguishing system installed in accordance with the manufacturer's instructions, or
- (2) In a building equipped with approved full automatic sprinkler protection, the sprinkler system is considered to provide surface fire protection. Exhaust from residential range tops shall not leave the room where the range top is located.

Sec. 9 NFPA 101 is amended by deleting the following reference: NFPA 5000 Building Construction and Safety Code. Wherever NFPA 5000 is referenced, substitute the building code that is in effect in Montgomery County.



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Sec. 10 NFPA 101 is amended by the addition of new subsection 1.4.4 to read as follows:
The use of NFPA 101A to justify equivalency concepts is not permitted in new construction.

Sec. 11 NFPA 101, section 3.3 is amended as follows:

(a) Subsection 3.3.47, add the following new subsection and definition:

3.3.47.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

(b) Amend Subsection 3.3.110.1 to change the definition of "Day-Care Home" by deleting the phrase "...more than three, but..."

(c) Amend Subsection 3.3.152.4 to change the definition of "Day-Care Occupancy" by deleting the phrase "...four or more ..."

(d) Amend Subsections 3.3.152.13 to change the definition of "Residential Board and Care Occupancy" by changing "A building or portion thereof..." to "A building or portion thereof that does not qualify as a one- and two-family dwelling..."

Sec. 12 NFPA 101, section 4.8, add the following subsection:

4.8.2.4 Emergency plans shall be maintained in a location approved by the Fire Chief.

Sec. 13 Amend NFPA 101, subsection 6.1.4.1 by deleting the phrase "...four or more ..."

Sec. 14 Amend NFPA 101, subsection 6.1.9.1 to change the definition of "Residential Board and Care Occupancy" by changing "A building or portion thereof..." to "A building or portion thereof that does not qualify as a one- and two-family dwelling..."

Sec. 15 NFPA 101, subsection 7.2.1.5.7.1, add an item (6), to read:



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- (6) Entry levels shall provide free access to an approved second exit. These levels shall be designated in "core/shell" building permit drawings with future tenant layouts arranged accordingly.

Sec. 16 NFPA 101, delete subsections 7.2.3.9.2(3)(b), and 12.2.2.2.4.

Sec. 17 NFPA 101, subsection 7.3.1.2, add on the chart for Business Use "for calculating occupant loads in shell use business use is 6.0 square meters or 65 square feet per person."

Sec. 18 NFPA 101, subsection 7.5.1.3.1, add new subsection 7.5.1.3.1.1:

7.5.1.3.1.1 In non-sprinklered new buildings, parallel paths of travel shall be considered remote if not less than forty (40) feet apart, or separated by assemblies having continuous one hour fire resistance with self-closing and positive latching twenty (20) minute fire resistance rated opening protectives. In fully sprinklered buildings and existing buildings paths of travel shall be considered remote if not less than thirty (30) feet apart, or separated by assemblies with self-closing opening protectives which are resistant to the passage of smoke. This minimum separation of paths shall not supersede minimum separation of exits or doors in 7.5.1.3.2.

Sec. 19 NFPA 101, Subsection 7.9.1.2, replace the word "only" in the first sentence with "but not limited to,".

Sec. 20 NFPA 101, subsection 7.10.8.3.2, add: If the sign is on the door, then the door must be equipped with an approved self-closing device.

Sec. 21 NFPA 101, subsection 7.12.1, add 7.12.1(4):

- (4): In special purpose industrial occupancies, spaces not subject to human occupancy because of the presence of machinery or equipment shall be permitted with 100% of the exits discharging through a level of exit discharge.

Sec. 22 NFPA 101, subsection 8.6.6(3), add a second sentence: Buildings, wherein the communicating space(s) is (are) provided with automatic smoke detection and alarm in accordance with NFPA 72, will be considered to satisfy the requirements of 'readily obvious'.

Sec. 23 NFPA 101, subsection 8.6.7(6)(b) is fully changed to read: Manual controls that are located at the annunciator panel or in the Fire Control Room.



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Sec. 24 NFPA 101, add new section 9.1.5:

9.1.5 All newly constructed below ground floors of a building, all floors in buildings greater than 25,000 ft² per floor, and all floors of buildings greater than 3 stories in height of Type I and II construction shall meet minimum emergency radio communication system performance criteria adopted by Montgomery County. Proof that minimum performance criteria are met shall be provided in writing to the Fire Chief.

- (1) System performance testing shall be performed in accordance with technical standards for systems and testing personnel established by Montgomery County.
- (2) Compliance testing must be performed at time of occupancy and annually thereafter.
- (3) Field testing may be performed upon reasonable notification of the owner or occupant by any authorized fire and rescue personnel.

Exception: The requirements of this section shall not apply to areas within an individual dwelling unit.

Sec. 25 NFPA 101, subsections 9.6.1.7 and 9.7.6.1, add: When a property owner or the owner's agent cannot be contacted to establish a fire watch, the Montgomery County Fire and Rescue Service at their discretion may provide the fire watch and charge the property owner the inspection overtime rate per person per hour.

Sec. 26 NFPA 101, subsection 9.6.2.5, add two new subsections:

- (a) 9.6.2.5.1 Zoned fire alarm systems shall have manual pull stations located at the entrance to each exit enclosure and at the main exit.
- (b) 9.6.2.5.2 When a fire alarm system is required in a multiple tenant building, for each tenant exiting directly to the exterior of the building, a manual pull station and approved occupant notification shall be located at each required or marked exit.

Sec. 27 NFPA 101, subsections 9.6.2.8 and 9.6.2.9, add the following sentence:
"Environments not suitable for smoke detectors (due to high probability of unwanted alarms) must be provided with listed rate-of-rise or rate compensated heat detection, or approved alternate means of detection."



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- Sec. 28** NFPA 101, subsection 9.6.2.10.2, add the phrase "and have secondary battery back-up power" at the end of the sentence.
- Sec. 29** NFPA 101 add new subsections 9.6.2.12, 24.3.4.4, 26.3.3.6, 28.3.4.6, 30.3.4.6, 32.2.3.4.4, and 32.3.3.4.9: In new construction a carbon monoxide alarm or detector(s) installed in accordance with Chapter 5, Section 5.1, "Recommended Protection", of NFPA 720, shall be installed in any family living unit containing a fuel-burning appliance, fireplace, or having an attached garage.
- Sec. 30** NFPA 101, subsection 9.6.3.2.1, delete the word "lobby".
- Sec. 31** NFPA 101, subsection 9.6.3.4, add text at the end of the sentence: "only when the initial fire alarm signal is automatically transmitted without delay to a listed central station in accordance with 9.6.4."
- Sec. 32** NFPA 101, subsection 9.6.3.7, add a second sentence to read: "Required audibility must be met with any and all intervening doors (between any space and the audible devices) closed."
- Sec. 33** NFPA 101, subsection 9.6.3.9, add: Where voice type occupant notification is used, automatic pre-recorded messages must be used complying with Section 9.6. Live voice as the sole notification method is prohibited.
- Exception: Previously "approved" live voice systems, shall be permitted to remain.
- Sec. 34** NFPA 101, subsection 9.6.4.2, delete all text following the word "automatically" in the second section, and replace with "to a listed central station."
- Sec. 35** NFPA 101, delete subsection 9.6.4.3.
- Sec. 36** NFPA 101, subsection 9.6.5.2(3), add the following sentence: "Manual fire alarm initiation must not activate floor or zone-dependent smoke control systems."
- Sec. 37** NFPA 101, subsection 9.7.1.2, the second sentence is amended to read: "The sprinkler piping must be valved with the domestic water system. Any and all work must be performed by a licensed sprinkler contractor."
- Sec. 38** NFPA 101, subsection 9.7.2.2 is amended to read: "Where supervised automatic sprinkler protection is required by another section of this Code, waterflow alarms must be automatically transmitted to a listed central station."



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Sec. 39 NFPA 101, subsection 9.7.3.1 is amended to read: "Where water as an extinguishing agent is not compatible with the fire hazard or is prohibited by law, statute or ordinance, the affected area shall be equipped with an approved automatic fire suppression system utilizing a suppression agent that is compatible with the fire hazard. Such system shall be installed in accordance with the appropriate standard as determined in Table 9.7.3.1."

Sec. 40 NFPA 101, subsection 11.8.3.1, add new subsection 11.8.3.1.1:

11.8.3.1.1 In buildings having staged evacuation the voice fire alarm system shall send a predetermined message to the floor where the alarm originated, to the floor immediately below and to the floor immediately above, providing information and direction to the occupants. Any subsequent alarm(s) on other than the initial fire floor must initiate the voice fire alarm as described above. The voice fire alarm shall be designed to be heard clearly by all occupants within the designated portions thereof as required by Section 9.6, but it shall not sound automatically in elevator cars and enclosed exit stairways. Communicating levels shall be considered one floor/fire area for the audible and visual fire alarm signals.

Sec. 41 NFPA 101, subsections 11.8.5(6) and (8), are amended/added, as applicable, to read as follows:

- (6) Emergency generator status indicators, and remote starting.
- (8) Fire pump status indicators and remote starting only.

Sec. 42 NFPA 101, subsections 12.2.5.4.1(1), 12.2.5.4.1(2), 13.2.5.4.1(1), and 13.2.5.4.1(2) change "1000" to "250".

Sec. 43 NFPA 101, section 12.3.5, add new subsection 12.3.5.1 and renumber the existing subsections 12.3.5.1 through 12.3.5.3. New subsection 12.3.5.1 reads: The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7:

- (1) Bars
- (2) Dance Halls
- (3) Discotheques
- (4) Nightclubs
- (5) Assembly occupancies with festival seating



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Sec. 44 NFPA 101, add new subsection 12.3.5.2 to read: All new Assembly Occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7. Sprinkler protection is not required over recreation areas devoid of fuel loading (such as over pool water surface, ice rink ice surface or a court of noncombustible construction), if provided with draftstopping around the area of omission, in accordance with NFPA 13.

Sec. 45 NFPA 101, subsections 12.7.6.3 and 13.7.6.3, add:

- (1) It is the duty of the individual in charge to call the attention of those present, immediately before the beginning of the proceedings for which the people are assembled, to the number and location of the exits, and to state that the doors to all exits are unlocked. Before making the announcement, it is the duty of the individual to make an actual inspection to verify that the doors are unlocked and the means of egress are free of obstructions, and to correct any deficiencies found.
- (2) It is the duty of the individual in charge to call the attention of everyone present at the proceedings to the exits by displaying or announcing the following:
"Notice. For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit".
- (3) The requirements for calling the attention of everyone present at the proceedings to the exits is complied with by one of the following methods:
 - (a) Oral announcements of the notices in this section at the beginning of the proceedings.
 - (b) Showing the notices in this Section on the viewing screen where the motion pictures are shown.
 - (c) Printing the notices in this section in bold type letters not less than ¼ inch in height on the back of programs for the proceedings. Nothing but the notice shall be placed on the back of the program.
 - (d) Having a fixed sign or signs displaying the notices in this section printed in letters of a size and clearness that can be easily read from each point in the assembly room.



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Sec. 46 NFPA 101, section 13.3.5, add new subsection 13.3.5.1 and renumber the existing subsections 13.3.5.1 through 13.3.5.3. New subsection 13.3.5.1 reads: Where occupant load exceeds 100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7:

- (1) Bars
- (2) Dance Halls
- (3) Discotheques
- (4) Nightclubs
- (5) Assembly occupancies with festival seating

Sec. 47 NFPA 101, new section 13.3.5.2 is changed to read: Any existing assembly occupancy and required exits with an occupant load of 100 or more shall be protected by an approved automatic sprinkler system in accordance with Section 9.7. This requirement shall not apply to assembly occupancies used only for worship with fixed seating and not part of a mixed occupancy (see 6.1.14.3).

Sec. 48 NFPA 101, subsection 14.2.11.1.1(1) is amended by adding the following after "...tools", "keys, special knowledge, or excessive force."

Sec. 49 NFPA 101, sections 16.1 and 17.1, add new subsections 16.1.1.6 and 17.1.1.6: Day-care centers providing day care for school age children before and after school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

Sec. 50 NFPA 101, subsections 16.2.11.1.1(1), 16.2.11.1.1(3), 17.2.11.1.1(3), 17.2.11.1.1(1), 24.2.2.3(3), 32.2.2.3.1(3), and 33.2.2.3.1(3), add the following exception:

Exception: A minimum net clear opening of 5.0 square feet shall be permitted for secondary means of escape at grade.

Sec. 51 NFPA 101, subsection 16.3.4.5, add the following exceptions:

Exception 1: Day-care occupancies located in school facilities where enrollment is limited to children kindergarten age and older and capable of self preservation, where no sleeping facilities are provided and the school is provided with approved full automatic sprinkler protection.



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Exception No. 2: In buildings equipped with a selective fire alarm system, smoke detection at stairwell doors shall only be required at locations that would activate the alarm in the day-care center.

Sec. 52 NFPA 101, add new subsection 16.3.5.4 to read: Buildings containing new day care centers above or below the level(s) of exit discharge must be protected with full automatic sprinkler protection installed in accordance with section 9.7.

Sec. 53 NFPA 101, subsections 16.6.1.1.2, and 17.6.1.1.2, delete the phrase "...more than 3, but.."

Sec. 54 NFPA 101, subsections 16.6.1.4.1(A) and (B) and 17.6.1.4.1(A) and (B) are amended as follows:

- (a) Subsections 16.6.1.4.1(A) and 17.6.1.4.1(A), delete "more than three but", change "seven clients" to "nine clients", change "six clients" to "eight clients", and add a new sentence: "Where more than two clients, up to a maximum of four clients incapable of self-preservation are being cared for, a minimum of two staff personnel must be present at all times."
- (b) Subsections 16.6.1.4.1(B) and 17.6.1.4.1(B), change "at least seven" to "at least nine, and change "no more than three clients" to "no more than four clients."

Sec. 55 NFPA 101, subsections 16.6.1.7.1 and 17.6.1.7.1, delete the existing wording and replace with the following:

In family day-care homes, a day-care provider's own children under the age of two years shall be counted as clients served and the following shall apply:

- (1) At any given time, a day-care provider shall not care for more than eight clients, of whom no more than four may be under the age of two years.
- (2) An adult to child ratio of at least one adult to every two children under the age of two years shall be maintained at all times.

Sec. 56 NFPA 101, subsection 16.6.2.1 and 17.6.2.1, add the following sentence : "Bulkhead doors shall not be permitted to serve as a primary means of escape."

Sec. 57 NFPA 101, subsections 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) are amended as follows:



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SLIDING DOOR.

For family day-care homes, a sliding door used as a required means of egress shall comply with the following conditions:

- The sliding door shall have not more than one, easily operated, locking device that does not require special knowledge, effort, or tools to operate;
- There may not be draperies, screens, or storm doors that could impede egress;
- The sill or track height may not exceed 1/2 inch above the interior finish floor;
- The surface onto which exit is made shall be an all weather surface such as a deck, patio, sidewalk, etc;
- The floor level outside the door may be one step lower than the inside, but not more than 8 inches lower;
- The sliding door shall open to a clear open width of at least 28 inches;
- Before day care use, each day the sliding door shall be unlocked and tested to the full required width to be sure it is operating properly, and the door shall be nonbinding and slide easily;
- During periods of snow or freezing rain, door tracks shall be cleared out and the door opened periodically throughout the day in order to ensure proper operation.

Sec. 58 NFPA 101, subsections 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) are amended as follows:

SPECIAL MEANS OF ESCAPE REQUIREMENTS: For family day-care homes, dead-bolt locks shall be provided with approved interior latches, or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position. These locks shall be unlocked at all times when the home is occupied for the purpose of family day care. Exception: A double-keyed dead-bolt lock may be used on the secondary means of escape if the key is readily accessible and the lock is unlocked at all times the home is occupied for the purpose of family day care.



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Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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Sec. 59 NFPA 101, subsection 16.6.3.4.3, add of the following Exception:

Exception: Battery detectors rather than house electric service-powered detectors shall be accepted when in the opinion of the authority having jurisdiction, the facility has demonstrated testing, maintenance and battery replacement programs that ensure reliability of power to the detectors.

Sec. 60 NFPA 101, subsections 16.7 and 17.7, add new subsections 16.7.1.1 and 17.7.1.1, respectively as follows: A written prearranged plan of escape in case of fire or other emergency shall be readily available for reference and inspection purposes. This emergency plan shall include a means and procedure to alert all occupants of an emergency.

Sec. 61 NFPA 101, subsections 16.7.4.1 and 17.7.4.1, add an Exception:

Exception: Day-Care Homes.

Sec. 62 NFPA 101, subsections 16.7.5 and 17.7.5, add an Exception:

Exception: Day-Care Homes with no more than three clients for overnight lodging.

Sec. 63 NFPA 101, subsection 17.3.4.5, add the following language after "one room": "...or Day-care occupancies located in school facilities where enrollment is limited to children kindergarten age and older and capable of self preservation, where no sleeping facilities are provided and the school is provided with approved full automatic sprinkler protection."

Sec. 64 NFPA 101, subsection 17.3.4.5(1), add the following sentence: "In buildings equipped with a selective fire alarm system, smoke detection at stairwell doors shall only be required at locations that would activate the alarm in the day-care center."

Sec. 65 NFPA 101, subsection 17.6.3.4.4, delete "Existing..."

Sec. 66 NFPA 101, subsection 24.1.1.1, place a period after the word "dwellings" and replace the remainder of the sentence with the following:

One- and two-family dwellings include:

- (a) A building containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than five outsiders, if any, accommodated in rented rooms.



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- (b) A living unit for five or fewer individuals with disabilities as defined in (d) of this section.
- (c) A living unit for six to eight individuals with disabilities as defined, in addition to live-in staff, if specific information is presented to the authority having jurisdiction that the residents of the living unit have no unique and specific needs which warrant imposition of the fire safety standards required by either Chapter 26, 32 or 33 of the NFPA 101 Life Safety Code (2003 edition).
- (d) "Individuals with disabilities" means those individuals who have a disability as defined in the Fair Housing Amendment Act of 1988, 42 U.S.C. §3601 et seq. as follows:
 - (1) A physical or mental impairment which substantially limits one or more of such persons' major life activities;
 - (2) A record of having such an impairment; or
 - (3) Being regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in 21 U.S.C., Section 802).

Sec. 67 NFPA 101, subsection 24.2.5.1, add the following exception:

Exception: Maximum riser heights of 8-1/4 inches (210mm) and minimum tread depths of 9 inches (229mm) shall be permitted for stairs in new construction. A nosing not less than 3/4 inch (19mm) but not more than 1-1/4 inch (32mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279mm).

Sec. 68 NFPA 101, subsection 24.3.4.3, add at the end of the sentence, "...only if the existing smoke detectors are battery operated."

Sec. 69 NFPA 101, subsection 26.1.1.1, change "...buildings..." to "...buildings that do not qualify as one- and two-family dwellings..."

Sec. 70 NFPA 101, subsection 28.3.4.1 is amended to read "...through 28.3.4.6, shall be provided."

Sec. 71 NFPA 101, subsection 28.3.4.3.5, delete all wording after "provided".



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- Sec. 72** NFPA 101, delete subsections 29.3.4.5.2 and 31.3.4.5.2.
- Sec. 73** NFPA 101, delete subsections 30.3.4.3.3 and 30.3.4.3.4.
- Sec. 74** NFPA 101, subsection 32.3.1.3, replace the phrase "Chapter 7 of NFPA 5000, Building Construction and Safety Code" with "33.3.1.3".
- Sec. 75** NFPA 101, subsections 33.2.3.4.3.5 and 33.3.3.4.7.1, add at the end of the sentence, "...and have secondary battery back-up power."
- Sec. 76** NFPA 101, add new subsections 36.1.2.3 and 37.1.2.3: "Structures that are predominantly residential dwellings, and that include mercantile occupancy open to the general public, shall have substantial separation between the occupancies that is resistant to the passage of smoke. Openings shall be protected with self-closing minimum 1 3/4" solid wood bonded core doors, in minimum eighteen (18) gauge steel frames."
- Sec. 77** NFPA 101, subsection 36.4.4.4.3.1, delete item (3).
- Sec. 78** NFPA 101, subsection 36.3.4.1 and 37.3.4.1 are amended to read as follows:
General. Class A mercantile occupancies and multiple story Class B mercantile occupancies shall be provided with a fire alarm system in accordance with section 9.6.
- Sec. 79** NFPA 101, add new subsections 38.1.2.3 and 39.1.2.3: "Structures that are predominantly residential dwelling, and that include business occupancy open to the general public, must have substantial separation between the occupancies that is resistant to the passage of smoke. Openings must be protected with self-closing minimum 1 3/4" solid wood bonded core doors in minimum eighteen (18) gauge steel frames."
- Sec. 80** NFPA 101, subsections 38.2.4.2 and 39.2.4.2, add new section (6) to read as follows:
- (6) Any two story business occupancy building not exceeding 3000 square feet gross floor area per floor shall be permitted a single exit with an approved outside stairway, or a single totally enclosed interior stairway to the second floor having discharge directly outside the building, if the total travel distance to the outside of the building does not exceed 100 feet, the travel distance to the interior stairway does not exceed 75 feet, and such interior stairway does not communicate with any other floor. An interior single exit stairway shall be



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permitted to be arranged as a floor communicating stair, with one (1) hour fire resistance rated opening protectives at the entrances from each level, and protection provided as follows: The building shall be provided with a non-supervised AC hard-wired smoke detection and alarm system in accordance with NFPA 72 arranged to sound an alarm audible throughout each level, and the stairway shall be provided with approved automatic sprinkler protection, with sprinklers located at the top of the stair and over each landing and on the tenant side of each interior fire door leading to the stairway, in accordance with NFPA 13.

- Sec. 81** NFPA 101, subsections 38.3.4.3(2), and 39.3.4.3(2), are amended to read: "Sound an audible alarm in a constantly attended location and transmit a signal to a listed Central Station."
- Sec. 82** NFPA 101, subsections 40.3.4.3.1, 42.3.4.3.1 and 42.8.3.4.3.1 are amended to read: "The required fire alarm system must meet Section 9.6.3 as amended."
- Sec. 83** NFPA 101, subsection 39.2.2.2.3 is amended to read: "The re-entry provisions of 7.2.1.5.7 shall apply."
- Sec. 84** NFPA 101, subsection 42.8.2.2.3.1, add the following Exception:

Exception: Subsection 7.2.2.5.1 shall not apply to open air parking structures.

Approved,

A handwritten signature in black ink, appearing to read "D. Duncan", written over a horizontal line.

Douglas M. Duncan,
County Executive

APPROVED AS TO FORM AND LEGALITY.
Montgomery County Attorney's Office

By:

A large, stylized handwritten signature in black ink, written over a horizontal line.